

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JAMES MARTIN WITZENBURG  
*Plaintiff(s)*

v.

CHARLES HERMAN JURGENS  
Individually and as Executor of the  
Estate of Louise Jurgens, deceased,  
*Defendant(s)*

CIVIL ACTION NO. H-04-4790

**ORDER TRANSFERRING ACTION  
TO THE EASTERN DISTRICT OF NEW YORK**

Pending before the Court is Defendant Charles Herman Jurgens's ("Jurgens") motion to dismiss for lack of personal jurisdiction and improper venue (Doc. 15). In that motion Jurgens asks this Court to dismiss this action or to transfer it to the Eastern District of New York, pursuant to 28 U.S.C. § 1406(a). Defendants Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Smith Barney") and Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") also contend, *inter alia*, that venue is improper in this district. After reviewing the parties' briefs, the record, and the applicable law, the Court **ORDERS** that the motion to transfer venue (Doc. 15) is **GRANTED**, in that this action is **TRANSFERRED** to the Eastern District of New York. Jurgens's earlier version of this same motion (Doc. 6) is **DENIED** as **moot**.

**SIGNED** at Houston, Texas, this 15<sup>th</sup> day of September, 2005.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE